

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM P. CHERNICOFF,)	
)	
)	
Plaintiff,)	
)	
v.)	C.A. No: 04-10073-NG
)	
NCO FINANCIAL SYSTEMS, INC.;)	
LOVELACE HEALTH SYSTEMS;)	
EQUIFAX INFORMATION SERVICES, INC.;)	
TRANS UNION CORPORATION; and)	
EXPERIAN NAT'L ASSISTANCE CENTER,)	
)	
Defendants.)	

ANSWER OF DEFENDANT, TRANS UNION LLC

Trans Union LLC ("Trans Union"), formerly known as Trans Union Corporation, by and through its undersigned attorneys, Answers as follows:

INTRODUCTION

Trans Union denies violating the Fair Credit Reporting Act, 15 U.S.C. §1681 *et seq.* (the "FCRA") the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* (the "FDCPA"), or other law.

PARTIES

1. Upon information and belief, admitted.
- 2-5, 7. No responsive pleading required for allegations directed toward third parties.
6. Denies the allegations. Trans Union is a Delaware Limited Liability Company with its principal place of business in Chicago, Illinois. Trans Union does not contest jurisdiction.
8. Trans Union does not contest jurisdiction.

STATEMENTS OF FACTS

9-13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations.

14. Denies the allegations.

15. Denies the allegations and further denies causing Plaintiff harm for which he is entitled to relief.

16. Denies the allegations.

17. Denies the allegations and further denies causing Plaintiff harm for which he is entitled to relief.

18. Denies the allegations and further denies causing Plaintiff harm for which he is entitled to relief.

19. Denies the allegations. No Exhibits are attached to the Complaint. Trans Union admits solely it received a letter from Plaintiff's counsel on or about January 6, 2003.

20. Denies the allegations.

21. Denies the allegations.

STATEMENTS OF CLAIMS

COUNT ONE

22. Trans Union repeats and realleges each and every response to the preceding paragraphs as if set forth at length herein.

23. No responsive pleading required for allegations directed toward third parties.

24. Denies the allegations.

25. Denies the allegations.

COUNT TWO

26-27. No responsive pleading required for allegations directed toward third parties.

COUNT THREE

28. Trans Union repeats and realleges each and every response to the preceding paragraphs as if set forth at length herein.

29. No responsive pleading required for allegations directed toward third parties.

30. Denies the allegations.

31. Denies the allegations.

32. Denies the allegations. *See* 19 above.

33. Denies the allegations.

34. Denies the allegations.

35. Denies the allegations and further denies causing Plaintiff harm for which he is entitled to relief.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

FIRST AFFIRMATIVE DEFENSE

The complaint fails to state a claim for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant TransUnion has, at all material times with respect to plaintiff, acted in good faith and complied fully with the FCRA and relevant state laws.

THIRD AFFIRMATIVE DEFENSE

Based upon the averments upon which Plaintiff's claim is made, defendant TransUnion is immune from suit under the FCRA.

FOURTH AFFIRMATIVE DEFENSE

Any harm suffered by Plaintiff was not caused by any act or omission of defendant Trans Union.

FIFTH AFFIRMATIVE DEFENSE

Any harm suffered by Plaintiff was caused by Plaintiff's own conduct or the conduct of third parties over which Trans Union has no control or authority.

SIXTH AFFIRMATIVE DEFENSE

With respect to Plaintiff, Trans Union's conduct and the alleged communications were entirely privileged and/or true.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrines of laches, unclean hands, waiver and estoppel.

EIGHTH AFFIRMATIVE DEFENSE

The claims contained in the complaint, which seek to recover punitive damages, violate the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America.

NINTH AFFIRMATIVE DEFENSE

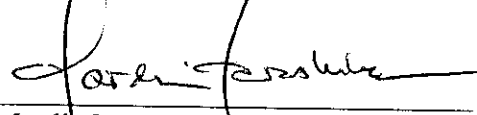
Plaintiff's claims are barred by the applicable statutes of limitations

TENTH AFFIRMATIVE DEFENSE

Trans Union reserves the right to raise additional defenses it learns through the course of discovery.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

Respectfully Submitted,



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*Counsel for Defendant,
Trans Union LLC*

DATED: March 2, 2004